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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,445	03/14/2001	Keiji Yuzawa	SONYJP 3.0-144	3767

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,445

Applicant(s)

YUZAWA, KEIJI

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Florin et al. (5,583,560) [Florin].

Regarding claims 1 and 8, Florin discloses a digital signal receiver (fig. 2) comprising:

a reception processor (transceiver 54 in fig. 2) operable to receive a broadcast signal (via tuner/demodulator 67) that includes repeating data (program guide data, col. 10 line 45 – col. 11 line 15) and to use a browser (fig. 12) to cause the repeating data to be displayed by a display unit (TV 58 in fig. 2); and

a distributed information storage unit (main module 62 in fig. 2) operable to obtain the repeating data from said reception processor (the repeating data is received through a channel and routed to the main module via the transceiver, col. 10, lines 45-48), to separate one period of data from the repeating data (col.

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11, lines 5-15), and to store the one period of data in a data storage device (the size of the period stored is dependent upon the available memory, wherein a storage device with 2 megabytes of storage would store the entire period, col. 11, lines 2-15);

said distributed information storage unit being further operable to read the one period of data from the data storage device in response to a received command (col. 15, lines 10-45), to restore the repeating data using the one period of data to generate a menu frame of items associated with the one period of data (the repeating data is restored by reading out the current day's program guide data, fig. 12, and also reading out future program guide data as the user flips through the days of programming, figs. 16-17), to convert the menu frame into menu data having a format that can be used by the browser (an inherent feature, as raw program guide data must first be formatted and arranged for display by a browser to display the screen shown in fig. 12), and to deliver the menu data to said reception processor (in order to display it upon TV 58, see fig. 2).

Regarding claim 2, Florin discloses the receiver of claim 1, wherein said distributed information storage unit (62) includes the data storage device (system memory 65 in fig. 2).

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Regarding claim 3, Florin discloses the receiver of claim 1, wherein said distributed information storage unit is operable to select items for inclusion in the menu frame based on preferences associated with a given user (user's have the option to filter the displayed information based on a desired category, col. 11, lines 46-62).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Logan et al. (5,732,216, of record) [Logan].

Regarding claim 4, Florin discloses the receiver of claim 1, but fails to disclose said distributed information storage unit is operable to arrange items included in the menu frame based on priorities associated with a given user.

In an analogous art, Logan discloses generating program schedules and program listings that are generated based on user input priority information (col. 8, lines 8-28 and col. 9, lines 43-53), allowing users to dynamically filter the contents of the schedules and listings through weighted priorities.

It would have been obvious at the time to a person of ordinary skill in the art to modify the digital signal receiver of Florin in to include generating said

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menu frame based on input priorities of user preferred material, as taught by Logan, for the benefit of enabling users to dynamically filter the contents of the table of contents menu frame by selectively weighting different material to determine its placement in the menu frame.

6. Claims 5, 6, 9, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Boyle et al. (6,118,870, of record) [Boyle].

Regarding claims 5, 6, 9, 10, 12, and 15 Florin discloses the receiver and method of claims 1 and 8, but fails to disclose encrypting and decrypting data when transferring it between the reception processor, the distributed information storage unit, and the data storage device.

In an analogous art, Boyle teaches it is conventional practice to encrypt data prior to transferring it from one point to another, and then subsequently decrypt the data after said transfer (col. 1, lines 43-50) for the benefit of preventing piracy of data (col. 1, lines 31-41).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver and method disclosed by Florin in include encrypting and decrypting the read information data when transferring it between any two devices, as taught by Boyle, for the benefit of preventing unauthorized use or piracy of the read information data.

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Martinez (4,928,177, of record).

Regarding claim 7, Florin discloses the digital signal receiver of claim 1, but fails to disclose the broadcast signal is transmitted during a vacant broadcast time (described in the specification as an off-peak time, e.g. "after midnight", paragraph 0022).

In an analogous art, Martinez teaches delivering data over a television broadcast system col. 3, lines 26-32) wherein data that is downloaded for storage and later use from the storage is downloaded during off-peak hours for more efficient transmission (col. 4, lines 8-17).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver of Florin to include transmitting the information data during a broadcast vacant time, as taught by Martinez, for the benefit of increasing the efficiency at which the information data is broadcast.

8. Claims 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin in view of Russo (5,619,247, of record).

Regarding claims 13 and 16, Florin discloses the receiver and method of claims 1 and 8, and additionally discloses the repeating data includes charge-based data (pay-per-view ordering information, col. 22, lines 52-67) and said distributed information storage unit is further operable to generate billing data (upon selection of a pay-per-view event, a user is charged for the order, col. 23,

lines 1-42) whenever the one period of data is read from the data storage device (for a user who only utilizes the program guide to order pay per view events, the billing data for ordered pay per view programs is generated each time the one period of data, the program guide data, is read from the data storage device).

Florin fails to disclose accumulating billing data in a watch record.

In an analogous art, Russo teaches accumulating billing data for pay per view events in a watch record (col. 10, lines 39-48), for the benefit of accurate controlling of billing for data which is utilized on an on demand basis (col. 10, lines 10-22 and col. 10, lines 60-63).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver and method of Florin to include accumulating billing data in a watch record, as taught by Russo, for the benefit of accurate controlling of billing for data which is utilized on an on demand basis.

Regarding claims 14 and 17, Florin and Russo disclose the receiver and method of claims 13 and 16, wherein said distributed information storage unit is further operable to periodically send the billing data to said reception processor for transmission to a management center (Russo teaches periodic uploading of billing data in batch transfers, col. 10, lines 39-43, wherein upstream data from the distributed information storage unit must pass through the reception processor to go upstream, as shown in Florin, fig. 2)

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

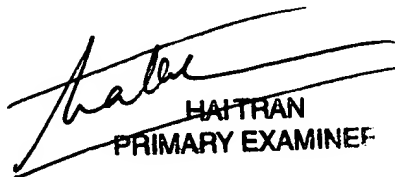
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS


HAITRAN
PRIMARY EXAMINER